



GP 2511

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of  
ELIYAHOU HARARI ET AL.  
Serial No.: 08/407,916  
Filed: March 21, 1995  
For: FLASH EEPROM SYSTEM

Group Art Unit: 2511

Examiner:  
Joseph A. Popek

#14  
5/22/97

San Francisco, California

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

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CERTIFICATE OF MAILING

GROUP 2500

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on April 23, 1997.

Tommy A. Kaplan  
Signature

4/23/97  
Date

REQUEST FOR CONTINUANCE OF PROSECUTION

Sir:

At Applicant's request, the Examiner confirmed in a communication dated March 28, 1997 that the prosecution has been suspended for one month, pending the public release of an Initial Determination by the United States International Trade Commission (ITC) which may be material to the examination.

Being filed herewith for the Examiner's consideration is the above-mentioned document "An Initial Determination (Public Version) of the Administrative Law Judge Investigation No. 337-TA-382 of the United States International Trade Commission, in the matter of Certain Flash Memory Circuits and Products Containing

Same." The Initial Determination itself is dated February 26, 1997.

While this document is directed to U.S. Patent No. 5,418,752, the parent patent of the present application, it may be material to the prosecution of the present application insofar as some of the prior art considered therein, including the reference, *Mitsuishi et al.*, are also being considered in the present application. *Mitsuishi et al.*, has been discussed in the Opinion (pp. 75 to 92) and the Findings of Fact (pp. 178 to 191) sections.

It will be noted that the validity of U.S. Patent No. 5,418,752 has been initially reaffirmed by the Administrative Law Judge and its claims are found not to be anticipated or obvious over *Mitsuishi et al.*

Additionally, being filed herewith is an April 15, 1997 ITC's "Notice of Commission Decision to Review Portions of An Initial Determination, Not to Review the Remainder of the Initial Determination, and Schedule for Filing of Written Submissions on the Issues Under Review and On Remedy, the Public Interest, and Bonding." Basically, the ITC Commissioner has determined to review the Initial Determination on issues related to infringement only and not on any issues related to invalidity of the '752 patent.

With the filing of the Initial Determination document and the Notice to review or not to review portions of the Initial Determination for the Examiner's consideration, Applicant hereby requests continuance of prosecution of the above-identified application.

Dated: April 23, 1997. Respectfully submitted,



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Atty. Docket: HARI.006USB